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**JAN 24 2006**

In re Application of  
Malcolm James Grieve  
Application No. 09/782,585  
Filed: February 13, 2001  
Attorney Docket No. DP-302896

**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the request to withdraw the notice of abandonment, filed December 27, 2005.

The petition is **GRANTED**.

A non-final Office action was mailed to applicant on September 30, 2004, setting a three (3) month shortened statutory period within which to file a reply. Petitioner submitted a response and a petition for a three (3) month extension of time with the \$1,020 fee, via certificate of mailing on March 30, 2005. In view thereof, this application was improperly held abandoned. Accordingly, the petition fee of \$1,500 will **not** be charged to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 1764, for review of the amendment filed, via certificate of mailing, on March 30, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions